

SECRETARY OF STATE[721]**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State hereby amends Chapter 21, "Election Forms and Instructions," Iowa Administrative Code.

These amendments are necessary to establish a standard of maximum allowable deviation in population between school director districts and between city wards when boundaries are drawn. Iowa Code sections 275.23A and 372.13 require both school director districts and city wards to be "as nearly equal as practicable to the ideal population." The ideal population is determined by dividing the number of districts or wards to be established into the population of the school district or city. In addition, the United States Supreme Court has held that, in general, apportionment plans with maximum population deviations under 10 percent are not sufficient, in and of themselves, to make out a prima facie case of discrimination under the Fourteenth Amendment. See *Brown v. Thompson*, 462 U.S. 835, 842.

These amendments were published under Notice of Intended Action in the Iowa Administrative Bulletin as **ARC 9560B** on June 15, 2011. In addition, these amendments were Adopted and Filed Emergency and published as **ARC 9559B** on the same date. No public comments were received. Two changes have been made to the amendments since publication of the Notice of Intended Action. The catchwords of each rule were clarified for accuracy.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 275.23A and 372.13.

These amendments will become effective January 4, 2012, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

The following amendments are adopted.

ITEM 1. Adopt the following new rule 721—21.31(275):

721—21.31(275) School director district maximum allowable deviation between director districts. Each director district shall have a population that exceeds the population of any other director district by no more than 10 percent. Director district plans with variations in excess of 10 percent between two or more districts shall be accompanied by justification for the deviation and shall be rejected by the secretary of state unless the deviation is necessary to comply with one of the other standards enumerated in Iowa Code section 275.23A.

This rule is intended to implement Iowa Code section 275.23A.

ITEM 2. Adopt the following new rule 721—21.32(372):

721—21.32(372) City ward maximum allowable deviation between city wards. Each city ward shall have a population that exceeds the population of any other city ward by no more than 10 percent. City ward plans with variations in excess of 10 percent between two or more wards shall be accompanied by justification for the deviation and shall be rejected by the secretary of state unless the deviation is necessary to comply with one of the other standards enumerated in Iowa Code section 372.13, subsection 7.

This rule is intended to implement Iowa Code section 372.13.

[Filed 11/9/11, effective 1/4/12]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/30/11.